

1 AMENDMENT TO HOUSE BILL 789

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 789 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by  
5 changing Sections 12-910 and 12-911 as follows:

6 (735 ILCS 5/12-910) (from Ch. 110, par. 12-910)

7 Sec. 12-910. Proceedings to enforce judgment. If in the  
8 opinion of the judgment creditors, their successors or  
9 assigns, or the officer holding a certified copy of a  
10 judgment for enforcement against such individuals, the  
11 premises claimed by him or her as exempt are worth more than  
12 \$7,500, the judgment creditor or the successor or assignee of  
13 the judgment creditor shall first deliver to the officer  
14 holding a certified copy of the judgment a written appraisal  
15 of the premises prepared by a State certified general real  
16 estate appraiser or a State certified residential real estate  
17 appraiser, and if in the opinion of the person, firm,  
18 corporation, or other entity conducting the appraisal such  
19 officer--shall--summon--3--individuals, as commissioners, who  
20 shall, upon oath, to be administered to them by the officer,  
21 appraise the premises, and if, in their opinion, the property  
22 may be divided without damage to the interest of the parties,

1 the State certified general real estate appraiser or State  
2 certified residential real estate appraiser they shall set  
3 off so much of the premises, including the dwelling house, as  
4 in the State certified general real estate appraiser's or the  
5 State certified residential real estate appraiser's their  
6 opinion is worth \$7,500, and the residue of the premises may  
7 be advertised and sold by the such officer, subject to any  
8 existing encumbrances. Each ~~commissioner~~ shall receive for  
9 his or her services the sum of \$5 per day for each day  
10 necessarily engaged in such service. The officer summoning  
11 such commissioners shall receive such fees as may be allowed  
12 for serving summons, but shall be entitled to charge mileage  
13 for only the actual distance traveled from the premises to be  
14 appraised, to the residence of the commissioners summoned.  
15 The officer shall not be required to summon commissioners  
16 until the judgment creditor, or some one for him or her,  
17 shall advance to the officer one day's fees for the  
18 commissioners, and unless the creditor shall advance such  
19 fees the officer shall not be required to enforce the  
20 judgment. The costs of such appraisal shall not be taxed  
21 against the judgment debtor unless the such appraisal  
22 shows that the judgment debtor has property subject to the  
23 such judgment.

24 (Source: P.A. 83-707.)

25 (735 ILCS 5/12-911) (from Ch. 110, par. 12-911)

26 Sec. 12-911. Notice to judgment debtor. In case the  
27 value of the premises is, in the opinion of the  
28 commissioners, more than \$7,500, and cannot be divided as is  
29 provided for in Section 12-910 of this Act, the State  
30 certified general real estate appraiser or State certified  
31 residential real estate appraiser they shall make and sign an  
32 appraisal of the value thereof, which shall be delivered to  
33 the officer. The officer shall then mail by certified mail,

1 or cause to be mailed by certified mail, a notice to the  
2 judgment debtor stating that unless the judgment is satisfied  
3 the property will be sold. The notice shall contain the  
4 scheduled date of sale which shall not be less than 60 days  
5 from the date of the notice. and--deliver--the--same--to--the  
6 officer,--who--shall--deliver--a-copy--thereof--to--the--judgment  
7 debtor,--or--to--some--one--of--the--family--of--the--age--of--13--years  
8 or--upwards,--with--a--notice--thereto--attached--that--unless--the  
9 judgment-debtor-pays-to-such-officer--the--surplus--over--and  
10 above-\$7,500-on-the-amount-due-on-the-judgment-within-60-days  
11 thereafter,--such-premises-will-be-sold.

12 (Source: P.A. 83-356.)

13 Section 99. This Act takes effect upon becoming law."